

EXHIBIT F

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**DEFENDANT JUUL LABS, INC.'S
MODIFIED WITNESS LIST**

Hon. William H. Orrick

This Document Relates to:

*Robin Bain, individually, and as the legal
Guardian of her minor child, B.B. v. Juul
Labs, Inc., et al.*

Case No. 3:20-cv-07174

Pursuant to the parties' agreement regarding the exchange of pretrial materials and the Order Regarding Pretrial Schedule (ECF No. 2943), as well as the Court's standing Civil Pretrial Order, Defendant Juul Labs, Inc. ("JLI") provides below a witness list identifying the witnesses whom JLI expects to be called at trial either live or by deposition designation, along with a brief summary of anticipated testimony, based on the information available to JLI at this time.

Ref. No.	Witness & Category	Brief Summary
	Live	
1	Augustson, Erik	JLI anticipates that Dr. Augustson would provide testimony about his work for and experience at JLI, including the scope of JLI's clinical research program; JLI's understanding of switching studies; the role of flavors for adult smokers; the total nicotine dose in JUUL products as compared to combustible cigarettes; and misattribution studies.
2	Bowen, Adam	JLI anticipates that Mr. Bowen would provide testimony about his role as one of JLI's founders, including with respect to JLI's origin, mission, and early history; and JUUL product development and design, including the purpose and development of JLI's nicotine salt formulation, flavors, and instructions for use.
3	Crosthwaite, K.C.	JLI anticipates that Mr. Crosthwaite would provide testimony about JLI's mission; JLI's actions under his leadership as CEO, including JLI's youth prevention efforts; JLI's withdrawal of certain JUUL products; JLI's engagement with regulators and public health officials; and JLI's financial performance.
4	Monsees, James	JLI anticipates that Mr. Monsees would provide testimony about his role as one of JLI's founders and former officers, including with respect to JLI's origin, mission, and early history; the role of JLI's mission and target consumer in developing the JUUL product; JLI's early marketing efforts and rebrand; JLI's early youth prevention efforts; and the sales trajectory of JUUL products.

5	Murillo, Joe	JLI anticipates that Mr. Murillo would provide testimony about the regulatory landscape surrounding ENDS products; the history of JLI's research; the public health benefits of JUUL products; JLI's PMTA submission, including studies that JLI conducted and JLI's interactions with the FDA; the role Altria's investment played in promoting JLI's mission; and JLI's youth prevention efforts from 2019 onwards.
6	Pritzker, Nicholas	JLI anticipates that Mr. Pritzker would provide testimony about his investigation of and decision to support JLI's mission; his understanding of JLI's target audience and focus on adult smokers; JUUL's launch, rebrand, and change in management in 2015; commitment to youth prevention; Altria's investment and contribution to JLI's research; and the decision to bring K.C. Crosthwaite on board.
Deposition Designation¹		
8	Bailey, Charlotte	Testimony as separately designated following the parties' agreed-upon procedure for deposition designations.
9	Bain, Troy	Testimony as separately designated following the parties' agreed-upon procedure for deposition designations.
10	Goldman, Tyler	Testimony as separately designated following the parties' agreed-upon procedure for deposition designations.
11	E.S.	Testimony as separately designated following the parties' agreed-upon procedure for deposition designations.

¹ JLI also reserves the right to call additional witnesses depending on Plaintiff's trial witness list and their case presentation, including the right to call by designation the following witnesses who are more likely to call, but who JLI does not expect to call at trial at this time: Thomas Canfarotta, Ashley Gould, and Chelsea Kania.

	Expert Witnesses (Live) ²	
12	Berger, Jonah	Dr. Berger's opinions and the basis thereof are set forth in his expert report. Among other related topics, based on his experience as a marketing professor and his analysis of relevant evidence, JLI anticipates Dr. Berger would rebut Plaintiff's claims regarding the reach and content of JLI-controlled marketing, with a focus on social media and influencers.
13	Bigelow, Jamie	Dr. Bigelow's opinions and the basis thereof are set forth in her expert report. Among other related topics, based on her experience as a board-certified internist, pulmonologist, and sleep medicine specialist and her analysis of relevant evidence, JLI anticipates Dr. Bigelow would rebut Plaintiff's allegations regarding B.B.'s pulmonary function.
14	Henningfield, Jack	Dr. Henningfield's opinions and the basis thereof are set forth in his expert report. Among other related topics, based on his experience as a psychopharmacologist and his analysis of relevant evidence, JLI anticipates Dr. Henningfield would provide testimony regarding the public health benefits of ENDS products; the regulation of ENDS products; and the comparatively lower abuse liability of ENDS products relative to combustible cigarettes.
15	Marais, M. Laurentius	Dr. Marais' opinions and the basis thereof are set forth in his expert report. Among other related topics, based on his experience as a statistician and his analysis of relevant evidence, JLI anticipates Dr. Marais would provide testimony responding to Plaintiff's evidence regarding trends in youth ENDS product use, including decreased youth use after JUUL's market entry; youth procurement of ENDS via social sourcing; misattribution of youth ENDS product use to JUUL; the impact of ENDS and JUUL on combustible cigarette use; and current ENDS product use statistics.

² JLI has provided the expert reports of Drs. Berger, Bigelow, Henningfield, Marais, Paustenbach, Rossi, Steinberg, and Mr. Stratton to opposing counsel. Their reports include their CVs, theories, conclusions, and the bases thereof.

16	Paustenbach, Dennis	Dr. Paustenbach's opinions and the basis thereof are set forth in his expert report. Among other related topics, based on his experience as an environmental toxicologist and his analysis of relevant evidence, JLI anticipates Dr. Paustenbach would provide testimony regarding JUUL's harm reduction capabilities; the toxicity of JLI products relative to combustible cigarettes; and the recognized public health benefits of ENDS products, including JUUL.
17	Rossi, Peter	Dr. Rossi's opinions and the basis thereof are set forth in his expert report. Among other related topics, based on his experience as an economist and his analysis of relevant evidence, JLI anticipates Dr. Rossi would rebut Plaintiff's allegations about the impact of marketing campaigns on JUUL product sales and youth use and would provide alternative explanations for youth use based on his review of sales data.
18	Steinberg, Laurence	Dr. Steinberg's opinions and the basis thereof are set forth in his expert report. Among other related topics, based on his experience as an adolescent psychologist and his analysis of relevant evidence, JLI anticipates Dr. Steinberg would provide testimony regarding the causes of youth ENDS product use; the lack of evidence showing that marketing has a significant impact on youth use relative to other factors; the appropriateness of JLI's youth prevention efforts; likely causes of B.B.'s JUUL use; and reasons for B.B.'s alleged injuries unrelated to JUUL use.
19	Stratton, Andrew	Mr. Stratton's opinions and the basis thereof are set forth in his expert report. Among other related topics, based on his experience as an engineer, experience with JUUL products, and his analysis of relevant evidence, JLI anticipates Mr. Stratton would rebut Plaintiff's claims regarding JUUL products' aerosol delivery. Mr. Stratton would also provide testimony regarding the mechanics and design of JUUL devices, including how they differ from medical devices and other ENDS products.

The witnesses above are listed in alphabetical order, and JLI makes no representation that such witnesses, if called to testify, will be called in the order set forth herein. JLI reserves all rights to supplement or amend this Modified Witness List, including the right to:

- i. call witnesses at trial, in its case-in-chief or otherwise, not included on this list, or to include additional or different witnesses on any list submitted to the Court;
- ii. supplement or amend this Modified Witness List up to and including the time of trial in light of discovery that has not yet been completed, the evidence Plaintiff elicits at trial,

- 1 changes to Plaintiff's proposed designations, exhibits, and witness list, and/or consistent
2 with the Court's ruling on any motions *in limine*;
- 3 iii. not call any person listed above;
- 4 iv. call any witnesses at trial, in its case-in-chief or otherwise, who may respond to testimony
5 from witnesses who any other party has represented is not likely to be called at trial;
- 6 v. rely on the testimony of any witness identified or called by any other party;³
- 7 vi. rely upon the deposition testimony or other testimony of any person;
- 8 vii. call or introduce testimony from any witness necessary for impeachment or rebuttal
9 purposes, whether or not previously identified herein;
- 10 viii. call or introduce testimony from any witness necessary to respond to Plaintiff's case,
11 evidence, and/or testimony, whether or not previously identified herein;
- 12 ix. submit as evidence deposition testimony taken in this matter, regardless of whether the
13 deponent is listed above; and
- 14 x. rely upon deposition testimony affirmatively designated by JLI for any witness as counter-
15 designated deposition testimony introduced in JLI's case-in-chief.

16 /s/ Renee D. Smith

17 Renee D. Smith

18 *Counsel for Juul Labs, Inc.*

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28 ³ For instance, Plaintiff has listed Robin Bain as a "more likely" witness and has specifically
represented that she is calling Robin Bain live at trial. JLI reserves all rights should Plaintiff's
designation or intentions change.